

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

LISA J. SUTTON

PLAINTIFF

V.

CIVIL ACTION NO. 2:15-CV-2063-MEF

CAROLYN W. COLVIN, Commissioner,  
Social Security Administration

DEFENDANT

**FINAL JUDGMENT**

This cause is before the Court on the Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying her claim for disability benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c). The Court, having reviewed the administrative record, the briefs of the parties, the applicable law, and having heard oral argument, finds as follows, to-wit:

Consistent with the Court's ruling from the bench following the parties' oral argument, the decision of the Commissioner of Social Security is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

The Court finds it was error to give little weight to Dr. Couch's Medical Source Statement and to give great weight to the opinions of the non-examining state agency consultants, Drs. Henderson and Brown, especially since their reports were stale and they did not have access to Dr. Couch's Medical Source Statement or Dr. Efird's report. The Court finds that the Commissioner's decision is not supported by substantial evidence and requires reversal and remand to allow the Administrative Law Judge (ALJ) to obtain a current Residual Functional Capacity (RFC) assessment from Dr. Couch or Plaintiff's current treating physician. The ALJ is directed to obtain an up-to-date RFC assessment from Dr. Couch or Plaintiff's current treating

physician. Consideration should be given to how Plaintiff's mental impairments affect her ability to work in a competitive environment and around others. Upon such reconsideration, the ALJ should formulate appropriate hypothetical questions to the Vocational Expert which set forth all of Plaintiff's mental impairments.

IT IS SO ORDERED AND ADJUDGED on this the 27th day of May, 2016.

/s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE